

United States District Court
for the
Southern District of New York
Related Case Statement

Full Caption of Later Filed Case:

Marvel Characters, Inc.

| | |
|--|---------------|
| Plaintiff | Case Number |
| vs. | 1:21-cv-07957 |
| Patrick S. Ditko, in his capacity as Administrator of the Estate of Stephen J. Ditko | |
| Defendant | |

Full Caption of Earlier Filed Case:

(including in bankruptcy appeals the relevant adversary proceeding)

(Case 1) Marvel Worldwide, Inc., Marvel
Characters, Inc., and MVL Rights, LLC

(Case 2) Marvel Characters, Inc.

| | |
|--|--|
| Plaintiff | Case Number |
| vs. | (Case 1) 10-cv-141 (Case 2) 1:21-cv-7955 |
| (Case 1) Lisa R. Kirby, Barbara J. Kirby, Neal L. Kirby, and Susan N. Kirby | |
| (Case 2) Lawrence D. Lieber | |
| Defendant | |

Status of Earlier Filed Case:

☐

Closed

(If so, set forth the procedure which resulted in closure, e.g., voluntary dismissal, settlement, court decision. Also, state whether there is an appeal pending.)

☒

Open

(If so, set forth procedural status and summarize any court rulings.)

As to Case 1 above, following this Court's grant of summary judgment in Marvel Characters, Inc., Marvel Worldwide, Inc., MVL Rights, LLC, and Marvel Entertainment, Inc.'s favor, and the Second Circuit's affirmance of that decision, see *Marvel Characters, Inc. v. Kirby*, No. 10-cv-141 (S.D.N.Y.), *aff'd*, 726 F.3d 119 (2d Cir. 2013), the parties settled the matter in 2014. Case 2 above was filed today, immediately before the filing of this case.

Explain in detail the reasons for your position that the newly filed case is related to the earlier filed case.

Please see attached explanation.

Signature:

Molly M. Lens

Date:

9/24/2021

O'Melveny & Myers LLP

Firm: